IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7688 of 2004

1. Topline Foods & Anr. ..Petitioners

vs.

1. The State of Maharashtra
and others ...Respondents

Smt.Rajani Iyer with Shri C.U.Singh and Shri Rohit Shetty for petitioners
Shri R.D.Rane, Addl.G.P. for respondent nos. 1 and 2
Shri C.J.Sawant, Sr.Advocate with Smt.Deepa Chavan and Shri Sharad Abhyankar i/b ANS Law Associates for respondent no.5

CORAM: A.P.SHAH &
S.C.DHARMADHIKARI JJ.
5th October, 2004

P.C.

1. Heard Advocates.

2. The Integrated Child Development Service Scheme is a Central Government sponsored scheme. The object of this scheme is to reduce malnutrition and child deaths by providing various services inter alia, supplimentary nutrition food, immunization, health check up etc. For supply of therapeutic food open tenders were invited in 2002 and the tenders were awarded in January, 2003 followed by the agreement made in the month of March/April, 2003. The 1st petitioner and the 5th respondents

were selected and appointed as suppliers of therapeutic food in Thane region. Whereas in Sangli District respondent no.5 was appointed as independent supplier of Therapeutic food. Some time in April, 2003, the Commissioner of Food and Drugs Administration carried inspection of the premises of respondent no.5 and certain deficiencies were noted and, therefore, respondent no. 5 was prevented from production by Food and Drugs Administration. It appears that thereafter deficiencies were removed and the Food and Drugs Administration communicated vide its letters dated 24th October, 2003 and 6th March, 2004 that the respondent no.5 has removed the deficiencies there is no objection to respondent no.5 producing the nutritious food in the factory. In view of clearance by Food and Drugs Department order has been now placed with the respondent no.5.

3. The period under the contract in favour of petitioner no.1 as well as respondent no.5 has expired in March, 2004. The supply is being continued on temporary and adhoc basis as per the State Government’s policy. Mr.Rane, learned A.G.P.stated that the process for re-tendering will be undertaken immediately after code of conduct is over and fresh contracts will be entered intowith successful tenderers. At this stage, we are not

inclined to interfere with the decision taken by the State Govt. to permit respondent no.5 to supply nutritious food as an interim arrangement along with 1st petitioner. the tender. The petition is accordingly disposed of.

4. Ad-interim roder dated 15th September, 2004 stands vacated.